

JANET M. HEROLD  
Regional Solicitor  
SUSAN SELETSKY  
Counsel for FLSA  
NORMAN E. GARCIA (Cal Bar. No. 215626)  
Senior Trial Attorney  
UNITED STATES DEPARTMENT OF LABOR  
Office of the Solicitor  
90 7th Street, Suite 3-700  
San Francisco, California 94103  
Telephone: (415) 625-7747  
Facsimile: (415) 625-7772  
email: [garcia.norman@dol.gov](mailto:garcia.norman@dol.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

THOMAS E. PEREZ, Secretary of Labor,  
United States Department of Labor,  
Plaintiff,  
vs.  
SEAFOOD PEDDLER OF SAN RAFAEL,  
INC., dba SEAFOOD PEDDLER, a  
corporation; ALPHONSE SILVESTRI, an  
individual, RICHARD MAYFIELD, an  
individual, and FIDEL CHACON, an  
individual,  
Defendants.)  
Case Number: 12-cv-0116 (WHO/NC)  
[PROPOSED] ORDER SETTING A NEW  
DOCUMENT PRODUCTION DATE AND  
JUDGMENT DEBTOR'S EXAMINATION  
DATES OF DEFENDANTS ALPHONSE  
SILVESTRI AND SEAFOOD PEDDLER  
OF SAN RAFAEL, INC.)

[PROPOSED] ORDER RE DEBTOR'S EXAMINATIONS  
CASE NO. 12-CV-0116 (WHO/NC)

1           The Secretary filed an ex parte motion under Fed. R. Civ. P. 69(a)(2) and Cal Code Civ.  
 2 P. § 708.110(a) to compel the attendance of judgment debtors Seafood Peddler of San Rafael,  
 3 Inc. and Alphonse Silvestri at judgment debtor's examinations before the Court. On August 13,  
 4 2015, I granted this motion and ordered Seafood Peddler of San Rafael, Inc. and Alphonse  
 5 Silvestri to produce documents to the Secretary's Counsel by September 10, 2015, and to appear  
 6 for their respective Judgment Debtor Exams on September 17 and 24, 2015.

7           Both Judgment Debtors failed to produce any documents or appear for their  
 8 examinations. The Secretary's proposed a new document production date and new debtor  
 9 examination dates.

10          Good cause appearing, the Secretary's proposed new judgment debtor's document  
 11 production date and new judgment debtor examination dates are hereby GRANTED.

12          A representative of Defendant Seafood Peddler of San Rafael, Inc. designated under Fed.  
 13 R. Civ. P. 30(b)(6) shall appear on December 3, 2015, at 8:30 a.m. at the United States District  
 14 Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102,  
 15 in courtroom F before Magistrate Judge Jacqueline Corley for a judgment debtor's examination.

16          Defendant Alphonse Silvestri shall appear on December 10, 2015, at 8:30 a.m. at the  
 17 United States District Court for the Northern District of California, 450 Golden Gate Ave., San  
 18 Francisco, CA 94102, in courtroom F before Magistrate Judge Jacqueline Corley for a judgment  
 19 debtor's examination.

20          Defendants Silvestri and Seafood Peddler (herein referred to as "the judgment debtor")  
 21 shall produce the following documents such that the Secretary's Counsel, Norman E. Garcia,  
 22 receives them by November 12, 2015, at his 90 Seventh St., Suite 3-700, San Francisco,  
 23 California, 94103, address:

24          1)     All documents reflecting ownership of real property by the judgment debtor;  
 25          2)     All documents reflecting real property held in trust in which the judgment debtor has  
 26 any interest;  
 27          3)     All documents reflecting real or personal property disposed of or transferred to another

1 person or entity by the judgment debtor from January 1, 2010 through the present;

2 4) All documents reflecting encumbrances or liens against real property owned by the  
3 judgment debtor;

4 5) All documents reflecting encumbrances or liens by the judgment debtor against real  
5 property owned by another;

6 6) All property tax assessments from January 1, 2010 through the present for any real  
7 property owned by judgment debtor or in which the judgment debtor paid the property tax  
8 assessments;

9 7) All appraisals of the judgment debtor's real property from January 1, 2010 through the  
10 present;

11 8) All title reports on the debtor's real property from January 1, 2010 through the present;

12 9) All documents reflecting real and personal property held by others for the judgment  
13 debtor;

14 10) All documents reflecting ownership of personal property, including any appraisal of  
15 such property;

16 11) All documents reflecting ownership of automobiles, trailers, boats, airplanes, tractors,  
17 or other construction equipment by the judgment debtor including any appraisal of these items;

18 12) All documents reflecting ownership of stocks, bonds or other securities by the judgment  
19 debtor;

20 13) All documents reflecting any ownership or beneficial interest in any business by the  
21 judgment debtor;

22 14) All banking records from January 1, 2010 to the present, including all documents  
23 reflecting ownership or beneficial interests in bank accounts for the judgment debtor;

24 15) All state and federal tax returns, including all attachments, for the judgment debtor for  
25 2010 through the present;

26 16) All documents reflecting the location and/or contents of any safe deposit boxes owned  
27 or controlled by the judgment debtor;

- 1        17) All documents reflecting any insurance policy held by the judgment debtor;
- 2        18) All documents reflecting any judgment the judgment debtor owns against a third party;
- 3        19) All complaints and answers wherein the judgment debtor has been a party from January
- 4        1, 2010 through the present;
- 5        20) All documents reflecting legacies or bequests owed to the judgment debtor or expected
- 6        to be paid to the judgment debtor;
- 7        21) All financial statements maintained by or prepared for the judgment debtor from
- 8        January 1, 2010 through the present;
- 9        22) All contracts, patents, trademarks or other intangible property owned by the judgment
- 10        debtor.
- 11        23) All bankruptcy filings, including all attachments, for the judgment debtor from January
- 12        1, 2010 through the present;
- 13        24) All credit card statements that the judgment debtor received from January 1, 2010
- 14        through the present and all payments made by anyone in response to those credit card statements;
- 15        25) All receipts of any purchases of \$250 or more that either the judgment debtor made or
- 16        that was made on behalf of the judgment debtor from January 1, 2010 through the present;
- 17        26) All documents detailing any membership in any organization that the judgment debtor
- 18        has, including, but not limited to, restaurant association, country club, Kiwanis Club, Lion Club,
- 19        etc., from January 1, 2010 through the present;
- 20        27) All documents relating to purchase of tickets for sporting events that the judgment
- 21        debtor made or which were made on the judgment debtor's behalf, including, but not limited to,
- 22        football, basketball, baseball, hockey or soccer games; Nascar Racing; America's Cup; etc.; from
- 23        January 1, 2010 through the present;
- 24        28) All documents relating to gambling the judgment debtor engaged, including, but not
- 25        limited to, gambling in a casino, in Nevada, on sporting events, on horses, etc., from January 1,
- 26        2010 through the present;
- 27        29) All documents relating to any loan applications the judgment debtor made or that were

1 made on behalf of the judgment debtor, including but not limited to, real property loans, credit  
2 card applications, lines of credit, etc., from January 1, 2010 through the present;

3 30) All documents wherein the judgment debtor was a guarantor, endorser or co-maker  
4 from January 1, 2010 through the present;

5 31) All documents identifying any debts that is currently owed to the judgment debtor; and

6 32) All documents reflecting loans or mortgages owned by the judgment debtor;

7  
8 In addition, Defendant Seafood Peddler shall produce the following documents such that  
9 the Secretary's Counsel, Norman E. Garcia, receives them by November 12, 2015, at his 90  
10 Seventh St., Suite 3-700, San Francisco, California, 94103, address:

11 33) All documents reflecting ownership of inventory, materials, equipment, tools, fixtures,  
12 or other similar personal property by the judgment debtor;

13 34) All profit and loss statements for the judgment debtor from 2010 through the present;

14 35) All balance and income statements for the judgment debtor from 2010 through the  
15 present;

16 36) All corporate financial statements for the judgment debtor from 2010 through the  
17 present;

18 37) All general and subsidiary ledgers for the judgment debtor from 2010 through the  
19 present;

20 38) All business operating licenses or permits, including but not limited to liquor licenses,  
21 environmental permits or other specialized business permits, owned by the judgment debtor;

22 39) All documents reflecting ownership by shareholders or parent corporations of the  
23 judgment debtor;

24 40) All documents reflecting the identities of any corporate officer, director, or shareholder  
25 of the judgment debtor from 2010 through the present; and

26 41) All documents reflecting accounts, rents, loans or mortgages receivable owned by the  
27 judgment debtor.

In addition, Defendant Silvestri shall produce the following documents such that the Secretary's Counsel, Norman E. Garcia, receives them by November 12, 2015, at his 90 Seventh St., Suite 3-700, San Francisco, California, 94103, address:

42) All wage statement/payroll stubs that the judgment debtor received from January 1, 2010 through the present;

43) All pension plan and 401k distributions the judgment debtor received from January 1, 2010 through the present; and

44) All social security payments the judgment debtor received from January 1, 2010 through the present.

Notice provided pursuant to Cal. Code Civ. P. § 708.110(d):

**NOTICE TO JUDGMENT DEBTOR.** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court and the court may make an order requiring you to pay the reasonable attorney's fees incurred by the judgment creditor in this proceeding.

IT IS SO ORDERED.

September 30, 2015

Jacqueline Scott Corley  
JACQUELINE S. CORLEY  
UNITED STATES MAGISTRATE JUDGE